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PART IV
SECTION L - INSTRUCTIONS, CONDITIONS, AND NOTICES TO OFFERORS

L.1 52.252-1 SOLICITATION PROVISIONS INCORPORATED BY REFERENCE. (FEB 1998)

This solicitation incorporates one or more solicitation provisions by reference, with the same force and effect as if they were given in full text. Upon request, the Contracting Officer (CO) will make their full text available. The offeror is cautioned that the listed provisions may include blocks that must be completed by the offeror and submitted with its quotation or offer. In lieu of submitting the full text of those provisions, the offeror may identify the provision by paragraph identifier and provide the appropriate information with its quotation or offer. Also, the full text of a solicitation provision may be accessed electronically these addresses:

Federal Acquisition Regulations	www.arnet.gov/far/
Department of Energy Acquisition Regulations	www.pr.doe.gov/dear.html

The following provisions are incorporated by reference:

- L.2 52.204-6 DATA UNIVERSAL NUMBERING SYSTEM (DUNS) NUMBER. (JUN 1999)**
 [Include DUNS Number for each teaming/joint venture partner.]
- L.3 52.215-16 FACILITIES CAPITAL COST OF MONEY. (OCT 1997)**
- L.4 52.219-24 SMALL DISADVANTAGED BUSINESS PARTICIPATION PROGRAM – TARGETS. (OCT 2000)**
- L.5 52.237-1 SITE VISIT. (APR 1984)**

The following provisions are in full text:

L.6 52.215-1 INSTRUCTIONS TO OFFERORS - COMPETITIVE ACQUISITION. (MAY 2001)

- (a) Definitions. As used in this provision -

“Discussions” are negotiations that occur after establishment of the competitive range that may, at the CO’s discretion, result in the offeror being allowed to revise its proposal.

"In writing," "writing," or "written" means any worded or numbered expression that can be read, reproduced, and later communicated, and includes electronically transmitted and stored information.

"Proposal modification" is a change made to a proposal before the solicitation's closing date and time, or made in response to an amendment, or made to correct a mistake at any time before award.

"Proposal revision" is a change to a proposal made after the solicitation closing date, at the request of or as allowed by a CO as the result of negotiations.

"Time," if stated as a number of days, is calculated using calendar days, unless otherwise specified, and will include Saturdays, Sundays, and legal holidays. However, if the last day falls on a Saturday, Sunday, or legal holiday, then the period shall include the next working day.

- (b) Amendments to solicitations. If this solicitation is amended, all terms and conditions that are not amended remain unchanged. Offerors shall acknowledge receipt of any amendment to this solicitation by the date and time specified in the amendment(s).
- (c) Submission, modification, revision, and withdrawal of proposals.
 - (1) Unless other methods (e.g., electronic commerce or facsimile) are permitted in the solicitation, proposals and modifications to proposals shall be submitted in paper media in sealed envelopes or packages (i) addressed to the office specified in the solicitation, and (ii) showing the time and date specified for receipt, the solicitation number, and the name and address of the offeror. Offerors using commercial carriers should ensure that the proposal is marked on the outermost wrapper with the information in paragraphs (c)(1)(i) and (c)(1)(ii) of this provision.
 - (2) The first page of the proposal must show -
 - (i) The solicitation number;
 - (ii) The name, address, and telephone and facsimile numbers of the offeror (and electronic address if available);
 - (iii) A statement specifying the extent of agreement with all terms, conditions, and provisions included in the solicitation and agreement to furnish any or all items upon which prices are offered at the price set opposite each item;
 - (iv) Names, titles, and telephone and facsimile numbers (and electronic addresses if available) of persons authorized to negotiate on the offeror's behalf with the DOE in connection with this solicitation; and

- (v) Name, title, and signature of person authorized to sign the proposal. Proposals signed by an agent shall be accompanied by evidence of that agent's authority, unless that evidence has been previously furnished to the issuing office.
- (3) Submission, modification, revision and withdrawal of proposals.
- (i) Offerors are responsible for submitting proposals, and any modifications or revisions, so as to reach the DOE office designated in the solicitation by the time specified in the solicitation. If no time is specified in the solicitation, the time for receipt is 4:30 p.m., local time, for the designated DOE office on the date that the proposal or revision is due.
 - (ii) (A) Any proposal, modification or revision received at the DOE office designated in the solicitation after the exact time specified for receipt of offers is "late" and will not be considered unless it is received before award is made, the CO determines that accepting the late offer would not unduly delay the acquisition; and—
 - (1) if it was transmitted through an electronic commerce method authorized by the solicitation, it was received at the initial point of entry to the DOE infrastructure not later than 5:00 p.m. one working day prior to the date specified for receipt of proposals; or
 - (2) there is acceptable evidence to establish that it was received at the DOE installation designated for receipt of offers and was under the DOE's control prior to the time set for receipt of offers; or
 - (3) it is the only proposal received.
 - (B) However, a late modification of an otherwise successful proposal that makes its terms more favorable to the DOE, will be considered at any time it is received and may be accepted.
 - (iii) Acceptable evidence to establish the time of receipt at the DOE installation includes the time/date stamp of that installation on the proposal wrapper, other documentary evidence of receipt maintained by the installation, or oral testimony or statements of DOE personnel.

- (iv) If an emergency or unanticipated event interrupts normal DOE processes so that proposals cannot be received at the office designated for receipt of proposals by the exact time specified in the solicitation, and urgent DOE requirements preclude amendment of the solicitation, the time specified for receipt of proposals will be deemed to be extended to the same time of day specified in the solicitation on the first work day on which normal DOE processes resume.
 - (v) Proposals may be withdrawn by written notice received at any time before award. Oral proposals in response to oral solicitations may be withdrawn orally. If the solicitation authorized facsimile proposals, proposals may be withdrawn via facsimile received at any time before award, subject to the conditions specified in the provision at 52.215-5, Facsimile Proposals. Proposals may be withdrawn in person by an offeror or an authorized representative, if the identify of the person requesting withdrawal is established and the person signs a receipt for the proposal before award.
- (4) Unless otherwise specified in the solicitation, the offeror may propose to provide any item or combination of items.
 - (5) Offerors shall submit proposals in response to this solicitation in English, unless otherwise permitted by the solicitation, and in U.S. dollars, unless the provision at FAR 52.225-17, Evaluation of Foreign Currency Offers, is included in the solicitation.
 - (6) Offerors may submit modifications to their proposals at any time before the solicitation closing date and time, and may submit modifications in response to an amendment, or to correct a mistake at any time before award.
 - (7) Offerors may submit revised proposals only if requested or allowed by the Contracting Officer.
 - (8) Proposals may be withdrawn at any time before award. Withdrawals are effective upon receipt of notice by the Contracting Officer.
- (d) Offer expiration date. Proposals in response to this solicitation will be valid for the number of days specified on the solicitation cover sheet (unless a different period is proposed by the offeror).
 - (e) Restriction on disclosure and use of data. Offerors that include in their proposals data that they do not want disclosed to the public for any purpose, or used by the DOE except for evaluation purposes, shall -

- (1) Mark the title page with the following legend:

This proposal includes data that shall not be disclosed outside the DOE and shall not be duplicated, used, or disclosed-- in whole or in part -- for any purpose other than to evaluate this proposal. If, however, a contract is awarded to this offeror as a result of - or in connection with - the submission of this data, the DOE shall have the right to duplicate, use, or disclose the data to the extent provided in the resulting contract. This restriction does not limit the DOE's right to use information contained in this data if it is obtained from another source without restriction. The data subject to this restriction are contained in sheets [insert numbers or other identification of sheets]; and

- (2) Mark each sheet of data it wishes to restrict with the following legend:

Use or disclosure of data contained on this sheet is subject to the restriction on the title page of this proposal.

- (f) Contract award.

- (1) The DOE intends to award a contract or contracts resulting from this solicitation to the responsible offeror(s) whose proposal(s) represents the best value after evaluation in accordance with the factors and subfactors in the solicitation.
- (2) The DOE may reject any or all proposals if such action is in the DOE's interest.
- (3) The DOE may waive informalities and minor irregularities in proposals received.
- (4) The DOE intends to evaluate proposals and award a contract without discussions with offerors (except clarifications as described in FAR 15.306(a)). Therefore, the offeror's initial proposal should contain the offeror's best terms from a cost or price and technical standpoint. The DOE reserves the right to conduct discussions if the Contracting Officer later determines them to be necessary. If the Contracting Officer determines that the number of proposals that would otherwise be in the competitive range exceeds the number at which an efficient competition can be conducted, the Contracting Officer may limit the number of proposals in the competitive range to the greatest number that will permit an efficient competition among the most highly rated proposals.
- (5) The DOE reserves the right to make an award on any item for a quantity less than the quantity offered, at the unit cost or prices offered, unless the offeror specifies otherwise in the proposal.

- (6) The DOE reserves the right to make multiple awards if, after considering the additional administrative costs, it is in the DOE's best interest to do so.
- (7) Exchanges with offerors after receipt of a proposal do not constitute a rejection or counteroffer by the DOE.
- (8) The DOE may determine that a proposal is unacceptable if the prices proposed are materially unbalanced between line items or subline items. Unbalanced pricing exists when, despite an acceptable total evaluated price, the price of one or more contract line items is significantly overstated or understated as indicated by the application of cost or price analysis techniques. A proposal may be rejected if the Contracting Officer determines that the lack of balance poses an unacceptable risk to the DOE.
- (9) If a cost realism analysis is performed, cost realism may be considered by the Source Selection Authority in evaluating performance or schedule risk.
- (10) A written award or acceptance of proposal mailed or otherwise furnished to the successful offeror within the time specified in the proposal shall result in a binding contract without further action by either party.
- (11) The DOE may disclose the following information in postaward debriefings to other offerors:
 - (i) The overall evaluated cost or price and technical rating of the successful offeror;
 - (ii) The overall ranking of all offerors, when any ranking was developed by the agency during source selection;
 - (iii) A summary of the rationale for award; and
 - (iv) For acquisitions of commercial items, the make and model of the item to be delivered by the successful offeror.

L.7 52.215-20 REQUIREMENTS FOR COST OR PRICING DATA OR INFORMATION OTHER THAN COST OR PRICING DATA. (OCT 1997) ALTERNATE IV (OCT 1997)

- (a) Submission of cost or pricing data may be required if requested by the Contracting Officer.
- (b) Provide information described below: See Section L.19 for description of information and the format required. Submit the cost portion of the proposal in

hardcopy, and also via the following electronic media: Any spreadsheets or mathematical computation using MICROSOFT Excel 97. Any written verbiage will be submitted using MICROSOFT Word 97.

L.8 52.216-1 TYPE OF CONTRACT. (APR 1984)

The Government contemplates award of a Cost-Plus-Incentive-Fee Closure Contract resulting from this solicitation.

L.9 52.222-24 PREAWARD ON-SITE EQUAL OPPORTUNITY COMPLIANCE REVIEW. (FEB 1999)

If a contract in the amount of \$10 million or more will result from this solicitation, the prospective Contractor and its known first-tier subcontractors with anticipated subcontracts of \$10 million or more shall be subject to a preaward compliance evaluation by the Office of Federal Contract Compliance Programs (OFCCP), unless, within the preceding 24 months, OFCCP has conducted an evaluation and found the prospective Contractor and subcontractors to be in compliance with Executive Order 11246.

L.10 952.227-84 NOTICE OF RIGHT TO REQUEST PATENT WAIVER. (FEB 1998)

Offerors have the right to request a waiver of all or any part of the rights of the U. S. in inventions conceived or first actually reduced to practice in performance of the contract that may be awarded as a result of this solicitation, in advance of or within 30 days after the effective date of contracting. Even where such advance waiver is not requested or the request is denied, the Contractor will have a continuing right under the contract to request a waiver of the rights of the U. S. in identified inventions, i.e., individual inventions conceived or first actually reduced to practice in performance of the contract. Domestic small businesses and domestic nonprofit organizations normally will receive the patent rights clause at DEAR 952.227-11 which permits the Contractor to retain title to such inventions, except under contracts for management or operation of a DOE-owned research and development facility or under contracts involving exceptional circumstances or intelligence activities. Therefore, small businesses and nonprofit organizations normally need not request a waiver. See the patent rights clause in the draft contract in this solicitation. See DOE's patent waiver regulations at 10 CFR Part 784.

L.11 52.233-2 & 952.233-2 SERVICE OF PROTEST. (AUG 1996)

- (a) Protests, as defined in Section 33.101 of the Federal Acquisition Regulation, that are filed directly with an agency, and copies of any protests that are filed with the General Accounting Office (GAO), shall be served on the Contracting Officer (addressed as follows) by obtaining written and dated acknowledgment of receipt from:

Derrick J. C. Franklin, Contracting Officer
U. S. Department of Energy
P. O. Box 3020
Miamisburg, Ohio 45343-3020

- (b) The copy of any protest shall be received in the office designated above within one day of filing a protest with the GAO.
- (c) Another copy of a protest filed with the GAO shall be furnished to the following address within the time periods described in paragraph (b) of this clause: U.S. DOE, Assistant General Council for Procurement and Financial Assistance (GC-61), 1000 Independence Avenue, S.W., Washington D.C. 20585, Facsimile (202) 586-4546.

L.12 952.233-4 NOTICE OF PROTEST FILE AVAILABILITY. (SEP 1996)

- (a) If a protest of this procurement is filed with the GAO in accordance with 4 CFR Part 21, any actual or prospective offeror may request the DOE to provide it with reasonable access to the protest file pursuant to FAR 33.104(a)(3)(ii), implementing section 1065 of Public Law 103-355. Such request must be in writing and addressed to the Contracting Officer for this procurement.
- (b) Any offeror who submits information or documents to the DOE for the purpose of competing in this procurement is hereby notified that information or documents it submits may be included in the protest file that will be available to actual or prospective offerors in accordance with the requirements of FAR 33.104(a)(3)(ii). The DOE will be required to make such documents available unless they are exempt from disclosure pursuant to the Freedom of Information Act (FOIA). Therefore, offerors should mark any documents as to which they would assert that an exemption applies. (See 10 CFR Part 1004.)

L.13 952.233-5 AGENCY PROTEST REVIEW. (SEP 1996)

Protests to the Agency will be decided either at the level of the Head of the Contracting Activity or at the Headquarters level. The DOE's agency protest procedures, set forth in 933.103, elaborate on these options and on the availability of a suspension of a procurement that is protested to the agency. The DOE encourages potential protesters to discuss their concerns with the Contracting Officer prior to filing a protest.

L.14 52.252-5 AUTHORIZED DEVIATIONS IN PROVISIONS. (APR 1984)

- (a) The use in this solicitation of any Federal Acquisition Regulation (48 CFR Chapter 1) provision with an authorized deviation is indicated by the addition of "(DEVIATION)" after the date of the provision.

- (b) The use in this solicitation of any DOE Acquisition Regulation (48 CFR Chapter 10) provision with an authorized deviation is indicated by the addition of "(DEVIATION)" after the name of the regulation.

L.15 THE PROPOSAL

Section L of the RFP provides instructions and other information to the offeror related to the preparation of its proposal. Offerors are cautioned to follow these instructions carefully in order to ensure that DOE receives consistent information in a form that will facilitate proposal evaluation. Evaluation factors are contained in Section M.

Written proposals and oral interviews will be evaluated as detailed below. Each proposal should contain the offeror’s best terms, since it is the DOE’s intent to evaluate proposals and award a contract without discussions. The DOE, however, reserves the right to conduct discussions if necessary (see paragraph (f)(4) of the clause entitled "Instructions to Offerors - Competitive Acquisition," in Section L). Any exceptions or deviations to the terms of the contract may constitute a deficiency that may make the offer unacceptable.

L.16 PROPOSAL PREPARATION INSTRUCTIONS -- GENERAL

- (a) A cover letter for the overall proposal constitutes the first page of the proposal and shall include the information contained in L.5.C.2.
- (b) The overall proposal shall consist of three physically separated volumes, individually entitled as stated below. All pages of each part shall be appropriately numbered and identified with the name of the offeror. A page is defined as a single side of 8 ½" x 11" paper. All pages of the proposal are to be submitted on 8 ½ x 11" sheets - fold out sheets are allowed only for maps, tables and figures. Printing is required to be single-sided only. Print type used in the text portions of the proposal shall be no smaller than 12-point. Print type used in charts, graphs, figures and tables may be smaller than 12-point, but must be clearly legible. Page margins (distance between the edge of the page and the body of proposal) shall be 1-inch from the top, bottom, left, and right sides of the page. Page limits set forth below are to be strictly adhered to. Those pages that exceed the limits set forth in Section L will not be considered in the evaluation (note: Tables of Contents, Lists of Figures, dividers, tabs, or similar inserts that do not provide any substantive information are not counted as a page).

Proposal Volume – Title	Copies Required
Volume I – Offer	5
Volume II – Technical Proposal	10
Volume III – Cost/Fee	10

- (c) Copy No. 1 of the proposal shall contain the signed original of all documents requiring signature by the offeror. Use of reproductions of signed originals is authorized in all other copies of the proposal.

L.17 PROPOSAL PREPARATION INSTRUCTIONS -- VOLUME I - OFFER

- (a) Volume I, Offer, consists of the actual offer to enter into a contract to perform the desired work and includes the documents identified in paragraphs (b) through (j) below.
- (b) Signed contract - The "Solicitation, Offer, and Award," (Standard Form 33, page 1 of the RFP) fully executed and used as the first page of each copy of Volume I, Offer.
 - (1) Acceptance Period. The acceptance period entered on the Standard Form 33 by the offeror shall not be less than 180 days.
 - (2) Signature Authority. The person signing the Standard Form 33 must have the authority to commit the offeror to all of the provisions of the proposal, fully recognizing that the DOE has the right, by terms of the solicitation, to make an award without further discussion.
 - (3) By the offeror's signature on the Standard Form 33, it is agreeing to accept the contract (Sections A through K of this RFP) as written unless exceptions or deviations are taken as set forth in Section L.17.j below. If the offeror takes no exceptions or deviations, the offeror does not need to submit in its proposal the complete language from all of the contract clauses. Rather, offerors need only submit those pages on which the offeror is to complete certain information as a part of its offer (e.g. Sections G.8 and H.7). Offerors who take exceptions or deviations need not submit language from the contract where no exception or deviation is proposed or no information is required to be inserted.
- (c) Representations, Certifications, and Other Statements of Offerors, fully executed according to the instructions contained in Section K.
- (d) Responsible Corporate Official. The offeror shall identify a single responsible corporate official by name and position, at a level above the performing entity, who is accountable for the performance of the offeror. This applies even if the performing entity is a joint venture. The Government may contact this individual, if necessary, regarding contractor performance issues. The individual's name and other information will be incorporated into the clause entitled "Responsible Corporate Official" in Section H.
- (e) Small Business Subcontracting Plan and a Small Disadvantaged Business Participation Program (SDBP). A subcontracting plan shall be submitted which

contains all the elements required by the provisions of clause 52.219-9, entitled "Small Business Subcontracting Plan" in Section I, as well as a SDBP (see attachment 4 to Section L, for format), as required by the provisions of clause 52.219-25, entitled "Small Disadvantaged Business Participation Program - Disadvantaged Status and Reporting" in Section I. The applicable North American Industry Classification System (NAICS) groups can be downloaded from the following web site: www.sba.gov/sdb. The successful offeror will be required to adhere to the requirements of the SDBP as required by FAR 19.1202. Also note that the SDBP Program is mutually exclusive of the Subcontracting Plan goals (See Section I, 52.219-10 and 52.219-26 for incentives applicable to achievements in these areas).

- (f) A statement regarding the offeror's evaluation of conflicts of interest and organizational conflicts of interest. This shall include conflicts of interest or affiliations with existing or proposed subcontractors at the site. If any conflicts or affiliations exist with the offeror or its team, a mitigation plan shall be included, detailing how the offeror shall mitigate the problem.
- (g) A statement that the offeror grants to the Source Evaluation Board (SEB) or its authorized representatives, the right to examine, for purposes of verifying the information submitted, those books, records, documents, and other supporting data that will permit adequate evaluation; and that this right may be exercised in connection with any such reviews deemed necessary by the DOE.
- (h) A statement committing to an automated accounting system that has the capabilities to: record the required financial transaction including structure; record encumbrances; control and report costs by the DOE's reporting structure (appropriation, budget and reporting number, activity data sheets, project number); produce auditable records; and subsequently transmit in acceptable mode, the periodic detailed accounting information to DOE's primary accounting system and the site management information system.
- (i) The acknowledgment(s) of receipt of all amendments, if necessary, to this RFP.
- (j) Exceptions and Deviations Taken to the Contract. The offeror shall identify and explain any exceptions or deviations taken or conditional assumptions made with respect to the contract, Offeror Representations, Certifications, and Statements of the Offeror. Any exceptions taken must contain sufficient amplification and justification to permit evaluation. The benefit to the DOE shall be explained for each exception taken. ANY EXCEPTIONS, DEVIATIONS, OR CONDITIONAL ASSUMPTIONS TAKEN TO THIS SOLICITATION'S TERMS AND CONDITIONS MAY MAKE AN OFFER UNACCEPTABLE FOR AWARD.

L.18 PROPOSAL PREPARATION INSTRUCTIONS -- VOLUME II - TECHNICAL PROPOSAL

- (a) The Technical Proposal consists of written information intended to present the offeror's understanding, capabilities, and approach to satisfy the requirements of the Statement of Work (SOW). The offerors shall address each section of the SOW. No cost information shall be included in the Technical Proposal.
- (b) The term "performance based" is used when describing several required Sections of Volume II. When this term is used, the offeror shall provide quantitative performance goals that will identify and measure real progress toward site closure by September 30, 2006. At a minimum, a performance schedule shall be included to identify semi-annual performance achievements (e.g., specific, measurable performance outcomes) for major work elements, such as facilities demolished, facilities prepared for transfer, PRSs resolved, utility components removed, waste removed from the site, or land parcels transferred.
- (c) The format and content of Volume II, Technical Proposal, shall consist of the following components.

I. CLOSURE STRATEGY

- (a) **TECHNICAL APPROACH AND MANAGEMENT (limited to 50 pages)**
 - (1) Facility Demolition: The offeror shall describe its performance-based technical approach, major work elements and any innovative methods for demolishing the MCP facilities described in the SOW, Section C.2.1.1. This description shall include a facility demolition performance schedule that achieves site closure on or before September 30, 2006. Additionally, the offeror shall describe its approach for maintenance of facilities designated for demolition.
 - (2) Facility Transfer: The offeror shall describe its performance-based technical approach, major work elements and any innovative methods for preparing MCP facilities for transfer as described in the SOW, Section C.2.1.2. This description shall include a facility transfer performance schedule that achieves site closure on or before September 30, 2006. Additionally, the offeror shall include its approach for providing continuity of utilities to facilities during the facility transfer process.
 - (3) Demolition of Utility Systems: The offeror shall describe its performance-based technical approach, major work elements and any innovative methods for demolishing MCP above ground utility

structures and components as described in the SOW, Section C.2.2. This description shall include the utility demolition performance schedule that achieves site closure on or before September 30, 2006. Additionally, the offeror shall include its approach, for maintaining continuity of utility services for facilities to be transferred and the NE facilities identified in the SOW, Section C.2.

- (4) Potential Release Site (PRS) Restoration and Transfer: The offeror shall describe its performance-based technical approaches, major work elements and any innovative methods for restoring PRSs as described in the SOW, Section C.2.3. This description shall include a PRS performance schedule that achieves site closure on or before September 30, 2006.
- (5) Waste Management: The offeror shall describe its technical approach, major work elements and any innovative methods for removing waste materials from the site as described in the SOW, Section C.3. This description shall include a waste transfer performance schedule that achieves site closure on or before September 30, 2006.
- (6) Land Parcel Transfer: The offeror shall describe its performance-based technical approach, major work elements and any innovative methods for transferring land parcels as described in the SOW, Section C.2.4. This description shall include a land transfer performance schedule that achieves site closure on or before September 30, 2006. The transfer of land parcels includes facilities and PRS resolution; therefore, the land transfer performance schedule shall be integrated with the facility demolition, facility transfer and PRS performance schedules to identify the facilities and PRSs included in each land parcel
- (7) Performance-Based Project Organization: The offeror shall describe its performance-based organization for achieving site closure on or before September 30, 2006. This shall include, but not be limited to, an organizational chart, Organizational Breakdown Structure, project structure relating the organization to the SOW, Work Breakdown Structure (WBS), and its approach for managing project performance. The WBS shall be developed down to the level that identifies major contract deliverables, such as:
 - (a) Major facilities to be demolished (Buildings SW, R, WD, HH, 38)
 - (b) Groups of minor facilities to be demolished

- (c) Individual facilities to be transferred
- (d) Groups of PRSs to be resolved

(8) Performance Based Project Management: The offeror shall describe its performance-based project management approach to achieve site closure on or before September 30, 2006.

(9) The offeror shall describe its performance-based project management approach for all remaining sections of the SOW.

(b) PROJECT INTEGRATION (limited to 20 pages)

The offeror shall describe its approach for integrating the performance schedules of the MCP (i.e., facility demolition, facility transfer, environmental restoration, utility removal, waste management and land parcel transfer) to allow site closure to occur on or before September 30, 2006, while remaining within the annual funding limitations.

(c) RISK MANAGEMENT (limited to 20 pages)

- (1) The offeror shall provide its assessment of the work scope uncertainties identified in Section H.2. For the uncertainties that present a significant risk to project cost and schedule, the offeror shall provide its proposed approach for their elimination, avoidance or mitigation.
- (2) The offeror shall identify additional work scope uncertainties (not listed in Section H.2) that, in its opinion, may present a significant impact to project cost and schedule. The offeror shall provide its proposed approach to eliminate, avoid or mitigate those uncertainties.
- (3) When developing its approach to eliminate, avoid or mitigate programmatic risks, the offeror may propose an allocation of risk responsibility to the organization best suited to manage the risk. This can result in the contractor assuming total responsibility, the Government assuming total responsibility, or a clearly defined method of sharing risk responsibility between the government and the contractor.
- (4) The offeror shall describe the approach it will use to identify, assess and manage future uncertainties and their programmatic risk during the performance of this contract. This shall also describe the approach it will use to communicate uncertainty and risk to DOE during the performance of the contract.

(d) SMALL BUSINESS (Limited to 5 pages)

- (1) The Department of Energy promotes the use of small business, veteran-owned small business concerns, service-disabled veteran-owned small business concerns, HUBZone small business, small disadvantaged business, and women-owned small business concerns, in executing its mission activities, and is particularly interested in providing to such concerns an opportunity to apply their expertise, in a meaningful way, to the work to be conducted under the contract resulting from this solicitation.
- (2) Therefore, the offeror in its proposal, shall describe the participation of such small business as part of the offeror's plan to accomplish project requirements, (i.e. team members, joint venture partners, subcontractors, relationships with small, small disadvantaged or women owned businesses.) In addition to the information required under Sections L.4 and L.17 of this RFP, the offeror shall provide, in its proposal for each such small business:
 - (i) A description of the proposed contractual relationships
 - (ii) A description of the type of work, in terms of the variety and complexity of the work
 - (iii) The term and dollar amount of work, and
- (3) In addition, the offeror shall include in its proposal, for three recent (not more than three years old) Federal prime contracts, its performance in meeting subcontracting targets for small business, veteran-owned small business concerns, service-disabled veteran-owned small business concerns, HUBZone small business, small disadvantaged business, and women-owned small business concerns. This information shall include the agency with whom the contract was executed, the period of performance, the dollar value of the contract, the goals set out in the contract and the actual accomplishments against those goals.
- (4) Performance information will be used for both responsibility determination and as an evaluation factor. Information regarding past and present performance may be obtained by the CO from independent data as well as data provided by offerors.

II. KEY PERSONNEL

- (a) The offeror must provide written resumes (education, experience, suitability to proposed position) in the format provided in Attachment 2, and Letters of Commitment, in the format provided in Attachment 3, for all key personnel proposed by the offeror (not to exceed 7). Failure to submit Letters of Commitment may result in a lower rating.

- (b) Each resume shall not exceed three (3) pages in length, with the exception of the resume for the Site Manager, which may not exceed four (4) pages. Failure to submit Letters of Commitment may result in a lower rating. The DOE will not evaluate any pages exceeding page limitations. Offerors are advised that the Government may contact any or all references and other sources. The DOE reserves the right to use any information received as part of its evaluation of the Key Personnel.
- (c) See Section L.23 for instructions on oral interviews.

III. ENVIRONMENTAL SAFETY & HEALTH (ES&H) (limited to 5 pages)

- (a) The offeror shall describe how it will execute a single site-wide Integrated Safety Management System that flows down into all work activities, including subcontractors. The offeror shall describe its approach for integrating safety (as described in the SOW, section 4.2) throughout the entire work process from initial work identification to work execution.
- (b) The offeror shall describe how safety deficiencies will be identified and resolved and how effective corrective actions will be implemented.
- (c) The offeror shall describe how it will manage, monitor and control environmental emissions from the site.

IV. PAST PERFORMANCE (No page limit)

The offeror shall submit the following information as part of its proposal:

- (1) A written Reference Information Form, Attachment 1, for three contracts similar in type, scope, complexity or risk completed or in progress during the past three years. Contract work for State and local Government, private sector clients, and subcontract that is similar to the Government requirement will be evaluated equally with similar Federal contracts. The references should be provided for work done only by the proposing division/segment of the offerors firm, not the firm in general. If the offeror has no past performance, the offeror shall submit past performance information from each of the teaming partners or parent corporations.
- (2) The offeror may provide information on problems encountered on the contracts identified above and corrective actions taken to resolve those problems.

- (3) A list of contracts terminated (partially or completely) within the past three years, including the contract number, dollar amount of contract, brief description of SOW, reason for termination, sponsoring agency, and name and telephone number of the CO.
- (4) The offeror shall provide the Past Performance Questionnaire, Attachment 1, to each of the references named in Attachment 1. The offeror shall request that the references return the Past Performance Questionnaire directly to the address identified in L.20.
- (5) Offerors are advised that the Government may contact any or all references in the proposal and other sources and that the information obtained will be used for both the responsibility determination and the best value decision.
- (6) The Government will only discuss past performance information directly with the offeror or teaming partners or parent corporations that is/are being reviewed.

L.19 PROPOSAL PREPARATION INSTRUCTION - VOLUME III, COST AND FEE PROPOSAL

- (1) All cost and fee information shall be included in Volume III of the proposal.
- (2) The Cost Proposal shall include a breakdown of cost correlated with the lowest WBS levels identified in Section L.18.I.(a)(7). The Cost Proposal shall describe the methodology used to determine the cost for all requirements of the contract including all of the scope of work and the confidence level. Cost and financial data should be fully supported and organized in a manner that facilitates review. Offerors should clearly indicate (1) what data is existing and verifiable, (2) judgmental factors applied in projecting from known source data to the estimate, (3) contingencies, (4) key assumptions (not in conflict with the SOW), and (5) the basis for each cost element. The offeror may propose a Target Cost that is less than identified in Section B.3.
- (3) The offeror may propose a Target Fee that is less than that described in Sections B.3 and B.4. The offeror must clearly define the percentage of any Target Fee relative to the Target Cost.
- (4) The cost proposal shall include the following:
 - (a) The offeror shall identify by contract number, Federal Agency, dollar amount, and description of work for all cost-type Government contracts currently open that exceed \$10 million.

- (b) The offerors shall submit an explanation of how costs will be recorded and tracked in the accounting system. Specifically, if the offeror's accounting system will allocate cost through the use of an indirect costing rate, an explanation is required to describe cost to be included in each of the indirect cost pools as well as a description of each allocation base. The offeror shall provide its indirect rates.
- (c) The offeror shall submit its most recent Cost Accounting Standards (CAS) Disclosure Statement; if none, submit for parent corporation(s) and/or teaming partners.
- (d) The offeror shall briefly describe its current accounting system and the adequacy of that system for reporting against Government cost type contracts and compliance with CAS. In addition, the offeror shall identify the cognizant Government auditor and any Government agency that has formally approved the accounting system, if applicable. If the offeror is a joint venture or other business combination, these data must be provided for each entity.
- (e) The offeror shall provide certified financial statements, where available, for the last three accounting periods. Financial Statements must include, at a minimum, a balance sheet, and a statement of operations (profit and loss). If the offeror is a joint venture, this data must be provided for each teaming partner. The DOE reserves the right to obtain additional financial data.

L.20 TIME, DATE AND PLACE PROPOSALS ARE DUE

All proposals must be received at the following address by 4:00 PM EDT, September 20, 2002. Hand-carried packages can be delivered between the hours 8:00 AM to 4:00 PM on Government workdays.

U. S. Department of Energy
Miamisburg Closure Project
Contracting Officer
43 New Garver, Suite B
Monroe, Ohio 45050-1434

SOLICITATION NO. DE-RP24-03OH20152

L.21 AVAILABILITY OF REFERENCED DOCUMENTS

Referenced documents are available for offeror information and use in connection with the RFP in the DOE Miamisburg FOIA Reading Room located at 1 Mound Road, Miamisburg, Ohio, during the hours of 8:30 AM – 5:00 PM Monday through Friday except Government holidays. An attendant will be available through September 20,

2002, to assist visitor in the reading room. Visitors must contact attendant to schedule an appointment. For additional information on available documents, and to schedule an appointment, contact the FOIA Reading Room at (937) 865-3174. A current listing of the referenced documents available can be found at the following Internet Address:

http://www.ohio.doe.gov/oh_seb/details.asp

L.22 QUESTIONS ON SOLICITATION

Offerors and interested parties may submit questions regarding this solicitation prior to September 6, 2002, via e-mail to:

Derrick.Franklin@ohio.doe.gov

Questions and responses will be added to www.ohio.doe.gov/oh_seb/details.asp and incorporated through an amendment to the solicitation, if required.

L.23 INSTRUCTIONS - ORAL INTERVIEWS

- (a) General. After submission of the offer and other written information, each offeror, represented by all its proposed Key Personnel (see section L.18.(c)(II)), shall participate in person in the oral interviews with the MCP Source Evaluation Board (SEB). At the discretion of the offeror, one additional corporate official may attend the oral interviews as an observer. The DOE representatives necessary for the evaluation of offers will also be present. The oral interviews will relate solely to the evaluation of "Key Personnel" (Section M.4.II) of this RFP. The oral interviews constitute part of the offer for purposes of evaluation, but it is not the Government's intent to incorporate any portion of the oral interviews into any contract resulting from this solicitation. The oral interviews will not constitute "communications" or "discussions" as defined in FAR Part 15 nor will they obligate the Government to conduct discussions, to solicit proposal revisions, or to solicit final proposal revisions. The location for the oral interviews will be established by the SEB and is expected to be within the commuting distance of MCP.
- (b) Oral Interviews. The oral interviews will not exceed two (2) hours. The SEB will evaluate the oral interviews against the Evaluation Factor in Section M.4 II. Each of the offeror's Key Personnel shall briefly summarize their understanding of MCP issues and capability to function effectively in his/her proposed MCP team position. Following the summary, the SEB will ask questions focusing on qualifications, experience, suitability to position, leadership and capability to: perform the SOW; improve performance; meet commitments to customers; and adapt to changing requirements. The Key Personnel shall respond to the questions orally within the specified time frame. Questions will not be provided in advance. If there is inconsistency between what is written and provided orally, written submissions will take precedence.

- (c) Schedule. Upon receipt of proposals, the CO will schedule the date, time and location for oral interviews.
- (d) Copies of Oral Interviews. The oral interviews may be recorded by the Government. No other recording devices of any kind are permitted. The offerors are not authorized to bring written materials to the oral interviews.

L.24 ALTERNATE PROPOSALS

Alternate proposals are not solicited and will not be evaluated.

L.25 LIST OF ATTACHMENTS

Attachment 1 – Past Performance Reference Information Form and Questionnaire

Attachment 2 – Resume Format

Attachment 3 – Letter of Commitment

Attachment 4 – Small Disadvantaged Business Participation Program Targets Form

Past Performance Letter

Date

Dear _____:

The Department of Energy (DOE) is asking for your assistance in a procurement effort. _____ is participating in a proposal for a DOE Contract with an estimated value of \$367 million. We are asking you to complete the attached questionnaire to help us evaluate _____'s performance.

Please use the following definitions to provide your ratings:

- 0 - Unsatisfactory - The contractor failed to meet the minimum contract requirements.
- 1 - Poor - Performance was less than expected. The contractor performed below minimum contract requirements.
- 2 - Satisfactory - Performance met expected levels. The contractor met the minimum contract requirements.
- 3 - Good - Contractor performance exceeded expected levels. The contractor performed above minimum contract requirements and displayed a thorough understanding of contract requirements.
- 4 - Excellent - Contractor performance substantially exceeded expected levels of performance. The contractor consistently performed above contract requirements, displayed an overall superior understanding of contract requirements, and used innovative approaches leading to enhanced performance.

NA - Not applicable

DK - Don't know. No knowledge available to rate this question.

Please feel free to provide an explanatory narrative under REMARKS. If more space is needed please attach additional pages.

We greatly appreciate your time and assistance in completing this questionnaire. Please provide the following information:

Your company name and address:

Name/Telephone number/Title of person completing the questionnaire:

Past Performance Questionnaire

0=Unsatisfactory, 1=Poor, 2=Satisfactory, 3=Good, 4=Excellent, NA=Not Applicable, DK=Don't Know

Did the contractor comply with contract requirements, accuracy of reports? Was the Statement of Work executed effectively by the contractor in a consistently high quality manner?

0 1 2 3 4 DK

Did the contractor meet milestones, demonstrate reliability and responsiveness to technical directions, complete deliverables on time and adhere to contract schedules (including contract administration)?

0 1 2 3 4 DK

Did the contractor perform within or below budget, use cost efficiencies, perform within negotiated costs, submit reasonably priced change proposals, and provide timely, current, accurate and complete billing?

0 1 2 3 4 DK

Was the contractor's ES&H program in compliance with contract requirements and protective of workers, public, and the environment?

0 1 2 3 4 DK

Was the contractor effective in subcontract management? 0 1 2 3 4 DK

Did the contractor provide an effective and efficient transition from the previous contractor? 0 1 2 3 4 DK

Did the contractor effectively manage regulatory compliance programs and regulatory interfaces? 0 1 2 3 4 DK

Did the contractor's corporate office effectively support your contract? 0 1 2 3 4 DK

Did the contractor develop and implement an effective quality assurance program? 0 1 2 3 4 DK

Did the contractor manage effectively including cooperation with the technical representatives, the Contracting Officer, organized labor, community groups, and other stakeholders showing flexibility, and being responsive? 0 1 2 3 4 DK

Did the contractor meet targets/goals in its specified Small Business Subcontracting Plan and/or Small Disadvantaged Business Participation Program? 0 1 2 3 4 DK

Were you as the customer sufficiently satisfied with the overall performance of this contractor, that you would hire this Company again? _____ Yes _____ No

**PART IV - SECTION L
INSTRUCTIONS, CONDITIONS AND NOTICES TO OFFERORS**

**ATTACHMENT 2
RESUME FORMAT**

Name:

Proposed Position with Offeror:

Key Duties and Responsibilities in Proposed Position:

Current Position and Employer:

Length of Employment:

Supervisor:

Address and Telephone Number:

Experience: (Current and at least two (2) previous employers or positions)
(Identify employers, position titles, dates of employment, specific duties and responsibilities. Address specific information on the qualifications, experience, and demonstrated performance relevant to the proposed position, including individual leadership qualities. Include at least three (3) project or other work assignments employee has been involved in. Describe the project, give role(s), evaluation of success or failure and references for each project. Include a discussion of management style.

Suitability to proposed position:

Education:
(Identify institution, degree earned, dates)

Professional Development and Achievements:
(Identify professional memberships, special training, professional registrations, etc.)

References:
(Name, title, company/organization, address, phone number)

**PART IV - SECTION L
INSTRUCTIONS, CONDITIONS AND NOTICES TO OFFERORS**

**ATTACHMENT 3
LETTER OF COMMITMENT**

Letter of Commitment (Instructions: Attach to each resume a complete, signed copy.)

Position: _____

Individual proposed for the position: _____
(print name)

I _____ (print name) attest that the statements set forth in the attached resume submitted as part of the proposal are true and correct.

If the offeror is awarded the contract, I commit to working in the position identified above for the duration of the contract.

Signature

Date

**PART IV - SECTION L
INSTRUCTIONS, CONDITIONS AND NOTICES TO OFFERORS**

**ATTACHMENT 4
SMALL DISADVANTAGED BUSINESS PARTICIPATION PROGRAM TARGETS
FORM**

Small Disadvantaged Business (SDB) Participation Program Targets*

Note to Offerors: Targets provided herein will become part of any resulting contract from this solicitation under Section J, Attachment E.

Instructions to Offerors:

The Offeror shall provide written Small Disadvantaged Business Participation Program Targets using the form herein, and in accordance with the instructions found in paragraph (b) of the Section L provision of this solicitation entitled FAR 52.219-24, *Small Disadvantaged Business Participation Program—Targets (OCT 2000)*. SDB “Targets” are SDB participation (prime contractor or subcontractor) in any of the North American Industry Classification System (NAICS) major groups determined by the U.S. Department of Commerce as industries eligible for the 10% price evaluation adjustment. These designated NAICS major groups can be found at:

<http://www.census.gov/epcd/www/naics.html>

SDB targets will be evaluated under Section M .4 I (d), and will become part of the Contract under Section J, Attachment E.

(A) *(List Offeror Name Here - Includes Single Entity, Joint Venture Partners, Teaming Partners, etc.)*

NAICS Code	Description of NAICS Major Group	SDB Dollars	Percentage* *
	Subtotal		

(B) Subcontractors

NAICS Code	Description of NAICS Major Group	SDB Dollars	Percentage* *

